

Serial No. 09/842,089
Amtd. dated May 10, 2004
Reply to Office Action of February 10, 2004

Docket No. P-221

REMARKS/ARGUMENTS

Claims 1-19 are pending in this application. By this Amendment, claims 2, 4 and 11 are amended. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

The Examiner is thanked for the indication that claims 9 and 12 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. However, for the reasons set forth below, claims 9 and 12 have not been rewritten in independent form at this time.

The Office Action rejects claims 1-10 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The rejection is respectfully traversed.

MPEP 2173.01 states:

"[A] fundamental principle contained in 35 U.S.C. §112, second paragraph, is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose."

MPEP 2172.02 states:

"[c]laim language must be analyzed, not in a vacuum, but in light of;
(A) The content of the particular application disclosure;

Serial No. 09/842,089
Amdt. dated May 10, 2004
Reply to Office Action of February 10, 2004

Docket No. P-221

(B) The teachings of the prior art; and
(C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made."

MPEP 2163.07(a) states:

"[B]y disclosing in a patent application a device that inherently performs a function or has a property, operates according to a theory or has an advantage, a patent application necessarily discloses that function, theory or advantage, even though it says nothing explicit concerning it. The application may later be amended to recite the function, theory or advantage without introducing prohibited new matter."

It is respectfully submitted that claims 1-10, when interpreted in light of the specification by one of ordinary skill in the art, would be well understood. More specifically, one of ordinary skill in the art would understand that references to "a plurality of format selections" (see, for example, page 7, lines 4-6, and page 8, lines 21-24 of the present application) refers to both viewing and display processing formats, as these formats are directly related to the OSD in a digital television. Additionally, it would be well understood by one of ordinary skill in the art that references made to "volume" of the on screen display throughout the present application (see, for example, page 7, lines 7-10, as well as original claims 6 and 17 of the present application) refer to a sizing feature, or aspect ratio, associated with the OSD, and not to an audio volume, which is in no way related to the visual features of the OSD. Further, it would be well understood by one skilled in the art that NTSC and PAL (see page 3, lines 12-14 of the

Serial No. 09/842,089
Amtd. dated May 10, 2004
Reply to Office Action of February 10, 2004

Docket No. P-221

present application) are display processing formats. The discussion of NTSC and PAL is followed by a description of the disadvantages associated with the prior art, which clearly states that the prior art OSD is limited to one language and one format (i.e., NTSC or PAL, see page 3, line 21 - page 4, line 2 of the present application).

Thus, it is respectfully submitted that claims 1-10, when taken in light of the specification by one of ordinary skill in the art, meet the requirements of 35 U.S.C. §112, first paragraph, and thus the rejection should be withdrawn.

The Office Action rejects claims 1-8, 10-11, and 13-19 under 35 U.S.C. §103(a) as being unpatentable over Bril in view of Suga. The rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, a service site server configured to provide a user OSD set menu and an OSD generation program which corresponds to original information of the TV, wherein the OSD generation program is configured to provide a plurality of language selections and a plurality of viewing and display processing format selections. Bril neither discloses nor suggests such features.

Bril discloses a television system 100 which allows a user to overlay network application data related to web browsing, electronic mail, and the like, on a conventional television signal display. A network interface 110 receives the network application data, which is then stored in a memory module 180 by a controller 170. A TV signal receiver 120 receives a television signal in a previously established format, and the controller 170 generates a unified display by

overlaying the network application data stored in the memory module 180 onto the image formed by the externally received television signal.

Bril clearly teaches away from a plurality of viewing and display processing formats, as the television signal received by the receiver 120 is transmitted and received in a predetermined format (see column 6, lines 19-21 of Bril). The plurality of formats taught by Bril and referenced in the Office Action are merely electronic data formats related to the network application data (again, web browsing data, electronic mail, and the like) received by the interface module 110 and transmitted to the controller 170, and do not include viewing and display processing formats.

[See col. 1, lines 49-60]

Further, the Office Action asserts that Bril discloses providing a plurality of viewing and display processing format selections at column 4, lines 35-39. However, this portion of Bril is specifically directed at features included in a set top box, which is a unit separate from the television, and is used as an example of a system which cannot accommodate the features taught by Bril. Further, Bril does not disclose or suggest that the set top box can provide a user OSD generation program configured to provide a plurality of viewing and display processing format selections. Rather, Bril merely suggests that a set top box can be used to generate a composite video signal, in whatever format it is pre-programmed to operate in.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over Bril. Further, Suga is merely cited to teach a plurality of language selections, and thus fails to

Serial No. 09/842,089
Amdt. dated May 10, 2004
Reply to Office Action of February 10, 2004

Docket No. P-221

overcome the deficiencies of Bril. Accordingly, it is respectfully submitted that independent claim 1 is allowable over the applied combination of prior art references, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Bril in view of Suga should be withdrawn. Rejected dependent claims 2-8 and 10, as well as objected to claim 9, are allowable at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

Independent claim 11 recites, *inter alia*, generating a user OSD which reflects user selected language and user selected viewing and display processing formats corresponding to an operation order signal by accessing the OSD generation program when the operation order signal is input by a user. As set forth above, Bril neither discloses nor suggests such features. Further, as set forth above, Suga fails to overcome the deficiencies of Bril.

Accordingly, it is respectfully submitted that independent claim 11 is allowable over the applied combination of prior art references, and thus the rejection of independent claim 11 under 35 U.S.C. §103(a) over Bril in view of Suga should be withdrawn. Rejected dependent claims 13-17, as well as objected to claim 12, are allowable at least for the reasons discussed above with respect to independent claim 11, from which they depend, as well as for their added features.

Independent claim 18 recites, *inter alia*, a network interface unit configured to receive an OSD generation program which provides a user OSD set menu corresponding to original

Serial No. 09/842,089
Amdt. dated May 10, 2004
Reply to Office Action of February 10, 2004

Docket No. P-221

information of the TV, a plurality of language selections, and a plurality of viewing and display processing format selections from a service site server. As set forth above, Bril neither discloses nor suggests such features. Further, as set forth above, Suga fails to overcome the deficiencies of Bril.

Accordingly, it is respectfully submitted that independent claim 18 is allowable over the applied combination of prior art references, and thus the rejection of independent claim 18 under 35 U.S.C. §103(a) over Bril in view of Suga should be withdrawn. Rejected dependent claim 19 is allowable at least for the reasons discussed above with respect to independent claim 18, from which it depends, as well as for its added features.

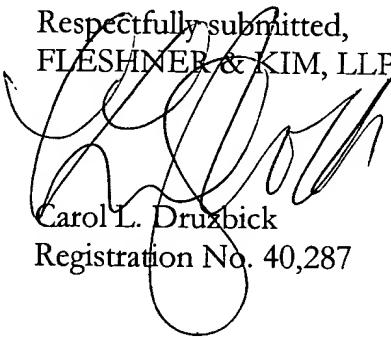
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Carol L. Druzbick, at the telephone number listed below.

Serial No. 09/842,089
Amdt. dated May 10, 2004
Reply to Office Action of February 10, 2004

Docket No. P-221

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

Carol L. Drubick
Registration No. 40,287

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 CLD/JKM:jlg
Date: May 10, 2004

Please direct all correspondence to Customer Number 34610